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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JOSEPH REGO,

12 Plaintiff,

13 vs.

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15 OCWEN LOAN SERVICING, LLC, et al.,

16 Defendant.  
17

CASE NO. 12cv2894-LAB (WVG)

**ORDER DISMISSING  
COMPLAINT; AND**

**ORDER QUASHING SUMMONS;  
AND**

**ORDER DENYING REQUEST  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

18 On December 5, 2012, Plaintiff Joseph Rego, an attorney registered within this  
19 District's Case Management/Electronic Case Filing system, electronically filed his complaint  
20 in this action. The Clerk in response issued a summons electronically (Docket no. 3).

21 Rego did not, however, pay the filing fee required under 28 U.S.C. § 1914 nor did he  
22 file a motion to proceed *in forma pauperis*. Accordingly, the complaint is **DISMISSED**  
23 **WITHOUT PREJUDICE**. See *Heizelman v. Doe*, 2012 WL 5392189, slip op. at \*3 (S.D.Cal.,  
24 Nov. 5, 2012) (reaffirming dismissal of civil action for failure to pay the required \$350 filing  
25 fee). Because no fee was paid, the Clerk should not have issued the summons. The  
26 summons electronically issued is therefore **QUASHED**.

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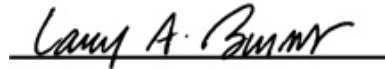
1 In the complaint's prayer for relief, Rego included a request for a temporary  
2 restraining order (TRO) and preliminary injunction. As a result, the Clerk docketed the  
3 complaint alternatively as a motion for a TRO. (Docket no. 2.)

4 The request was improper for several reasons. First, although Rego is asking for a  
5 ruling, his request was not filed or briefed as a motion, but instead was tucked into the  
6 complaint; furthermore, it does not comply with this Court's rules regarding motions. See Civil  
7 Local Rule 7.1(f)(1). The request for a TRO also does not comply with Fed. R. Civ. P. 65(b)'s  
8 requirements, or this chambers' standing order regarding notice to opposing parties. See  
9 Standing Order, ¶ 5. Finally, the request for a TRO and preliminary injunction does not  
10 adequately address the standards for issuance of a TRO or preliminary injunction. See  
11 *Stanchart Securities Int'l, Inc. v. Galvado*, 2012 WL 5286952 at \*1 (S.D.Cal., Oct. 24, 2012)  
12 (discussing standards for issuance of TRO and preliminary injunction).

13 The request for a TRO or preliminary injunction (Docket no. 2) is therefore **DENIED**.

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15 **IT IS SO ORDERED.**

16 DATED: December 5, 2012

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18 **HONORABLE LARRY ALAN BURNS**  
19 United States District Judge  
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